

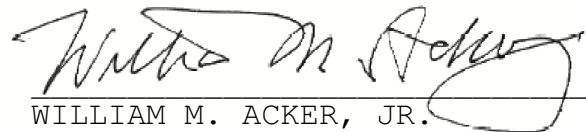
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ERIC ROWELL,	}	
	}	
Plaintiff,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	07-AR-1147-S
	}	
THE CITY OF FAIRFIELD, et	}	
al.,	}	
	}	
Defendants.	}	

MEMORANDUM OPINION AND ORDER

Minutes before the motion of defendant, The City of Fairfield ("the City"), to dismiss the first amended complaint of plaintiff, Eric Rowell ("Rowell"), was set for oral argument, Rowell filed a motion for leave to file a second amended complaint. Rowell's said motion for leave to amend is GRANTED, and the City's motion to dismiss is DEEMED FILED and REINTERPOSED as to the second amended complaint. The City's motion is well taken, and is GRANTED. Accordingly, the above-entitled action as against the City is DISMISSED, but with the right of Rowell to amend **before September 24, 2007**, in order to meet the pleading standards under Rule 12(b)(6). The action as against defendants, Betty Gamble and Joseph Stockman, is not dismissed because they have neither been served nor filed an appearance. Rowell is reminded of the requirements of Rule 4(m), F.R.Civ.P.

DONE this 6th day of September, 2007.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE